

Dkt. No. 96700/1139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : George J. Christ, Kelvin Davies, and Arnold Melman

Appl. No. : 10/579,705 (National Stage of PCT/US2004/039308)

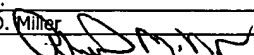
Int. Filing Date : November 23, 2004

For : GENE TRANSFER FOR REGULATING SMOOTH
MUSCLE TONE

Customer No. : 1912

**RESPONSE TO OCTOBER 8, 2008 NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

"Express Mail" mailing label No.	EM 163835171 US
Date of Deposit:	October 31, 2008
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Name:	Alan D. Miller
Signature:	

Sir:

This reply is submitted in response to a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) issued on October 8, 2008 in connection with the above-identified application. A copy of the Notification is attached hereto as **Exhibit 1** (2 pages). A response is due December 8, 2008. Accordingly, this reply is being timely filed.

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Applicants: George J. Christ, Kelvin Davies, and Arnold Melman
Serial No. 10/579,705
I.A. Filed: November 23, 2004
page 2 of 3

Declaration

The Notification indicates that an oath or declaration of the inventors is missing. Applicants attach as **Exhibit 2** a Declaration (3 pages) for the subject application in compliance with 37 C.F.R. §1.497(a) and (b), identifying the application by international application number and international filing date.

Power of Attorney

Applicants attach as **Exhibit 3** Powers of Attorney (3 pages) for the subject application.

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CONCLUSION

A check for \$65.00 is enclosed to cover the surcharge for a late filing fee or Declaration. No additional fees are deemed necessary in connection with the filing of this reply. However, if any other fee is required to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785. Please credit any overpayment to Deposit Account No. 01-1785.

Respectfully submitted,

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Dated: October 31, 2008
New York, New York

By 
Alan D. Miller, Reg. No. 42,889



UNITED STATES PATENT AND TRADEMARK OFFICE

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96700/1139
CJA/ADM

U.S. APPLICATION NUMBER NO. 10/579,705	FIRST NAMED APPLICANT George J. Christ	ATTY. DOCKET NO. 967001139
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1912
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
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INTERNATIONAL APPLICATION NO. PCT/US04/39308	
I.A. FILING DATE 11/23/2004	PRIORITY DATE 11/26/2003

CONFIRMATION NO. 9636
371 FORMALITIES LETTER

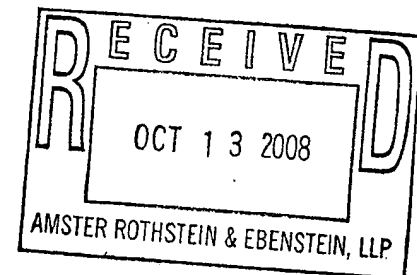


Date Mailed: 10/08/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 05/18/2006
- Copy of the International Search Report filed on 05/18/2006
- Preliminary Amendments filed on 05/18/2006
- Information Disclosure Statements filed on 05/18/2006
- Request for Immediate Examination filed on 05/18/2006
- U.S. Basic National Fees filed on 05/18/2006
- Priority Documents filed on 05/18/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

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